

MILITARY PENAL JURISDICTION

Exchange of notes at Washington January 3 and 14, 1918

Entered into force January 14, 1918

Extended by agreement of July 13 and August 10 and 29, 1919¹

Expired in accordance with its terms

Treaty Series 630-A

The Secretary of State to the French Ambassador

DEPARTMENT OF STATE

WASHINGTON

January 3, 1918

No. 2023

EXCELLENCY:

Referring to your note of October 1, 1917, in which by direction of your Government you draw my attention to the advantages that would be derived from an agreement between the United States and France on the subject of penal military jurisdiction over the military and naval forces of one country while within the territory or limits of the other, I have the honor to inform you that I am authorized by the President, as Commander-in-Chief of the armed forces of the United States, to propose to you an agreement by an exchange of notes as follows:

The Government of the United States of America and the Government of the French Republic agree to recognize during the war the exclusive jurisdiction of the tribunals of their respective land and sea forces with regard to persons subject to the jurisdiction of those forces whatever be the territory in which they operate or the nationality of the accused. In the case of offences committed jointly or in complicity with persons subject to the jurisdiction of the said military forces, the principals and accessories who are amenable to the American land and sea forces shall be handed over for trial to the American military or naval justice, and the principals and accessories who are amenable to the French land and sea forces shall be handed over for trial to the French military or naval justice.

The Government of the United States of America and the Government of the French Republic further agree to recognize during the present war the

¹ *Post*, p. 901.

exclusive jurisdiction within American territory of American justice over persons not belonging to the French land and sea forces who may commit acts prejudicial to the said military forces and the exclusive jurisdiction, within French territory, of French justice over persons not belonging to American land and sea forces who may commit acts prejudicial to the said military forces.

The word "persons" as used in the first paragraph of this agreement designates, together with the persons enrolled in the army, navy and marine corps, any other person who under the American or French law is subject to military or naval jurisdiction, especially members of the Red Cross regularly accepted by the Government of the United States of America or the Government of the French Republic in so far as the American or French law and the customs of war place them under military or naval jurisdiction.

Should this arrangement be acceptable to the Government of the French Republic your formal notification in writing to that effect will be understood on the part of the Government of the United States as completing the arrangement and putting it into force and effect, and I shall be glad to receive your assurance that it will be so understood also on the part of the Government of the French Republic.

Accept, Excellency, the renewed assurances of my highest consideration.

ROBERT LANSING

His Excellency

Mr. J. J. JUSSERAND,

Ambassador of the French Republic.

The French Ambassador to the Secretary of State

[TRANSLATION]

EMBASSY OF THE FRENCH REPUBLIC
TO THE UNITED STATES

WASHINGTON, *January 14, 1918*

MR. SECRETARY OF STATE:

By note dated the 3d of this month, Your Excellency was pleased to let me know that the President of the United States, as Commander in Chief of the armed forces of the United States, had authorized you to propose to me a settlement by an exchange of notes of the question of penal military jurisdiction over the French and American Armies jointly participating in this war.

Your Excellency was pleased to reproduce in the aforesaid note the terms of the contemplated arrangement the text of which in the French language is as follows:

[For English text, see second, third, and fourth paragraphs of U.S. note, above.]

Duly authorized by my Government I have the honor to say to Your Excellency that it accepts the terms of that note and that in consequence the provisions therein contained are from this moment in effect.

My Government wishes to have the exchange of notes immediately published in the *Journal Officiel* to that end, and I shall be much obliged to your Excellency if you will kindly assure me that, as I surmise, you have no objection thereto.

Be pleased to accept, Mr. Secretary of State, the assurances of my high consideration.

JUSSERAND

His Excellency

The Honorable ROBERT LANSING

Secretary of State of the United States